

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 01 August 2005**

CASE NO. 2005-TLC-15

In the Matter of:

KEN AND KARLA LESS  
Employer

**ORDER OF DISMISSAL**

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184 and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B.

The employer, KEN AND KARLA LESS (hereafter "Employer"), filed with the U.S. Department of Labor, Employment and Training Administration, ten H-2A applications for temporary alien agricultural labor certifications for the 2005 horticultural growing season. On June 2, 2005, the Regional Administrator denied the application on the ground that the employer was not in compliance with 20 C.F.R. Part 656.

KEN AND KARLA LESS requested a review of the decision by a U.S. Department of Labor Certifying Officer ("CO") on June 2, 2005, denying its application for temporary alien agricultural labor certification based on the finding that Employer had failed to provide workers with housing as required by 20 C.F.R. § 655.102 (b)(1). (Case No. R5-05125-01461).

The H-2A Appeal file, in the above-styled case, was received by the Department of Labor Chief Administrative Judge, on June 10, 2005. The undersigned was designated to resolve the matter, under 20 C.F.R. § 655.112(b)(1). Several conference telephone calls were conducted to assist the parties in resolving the matter.

On July 28, 2005, the Associate Solicitor for Employment and Training legal Services informed the undersigned that the employer's H-2A application had been certified, on July 11, 2005. Thus, the employer's appeal is moot and the Solicitor seeks dismissal of the appeal. The matter is not opposed.

**ORDER**

WHEREFORE, based upon the satisfactory resolution of the matter by and between the parties, the appeal of KEN AND KARLA LESS is DISMISSED.

**A**

RICHARD A. MORGAN  
Administrative Law Judge